

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF OHIO**

Fred Billiter, Jr.,	:	
	:	
Petitioner	:	Civil Action 2:10-cv-00434
	:	
v.	:	Judge Marbley
	:	
Warden, Noble Correctional Institution,	:	Magistrate Judge Abel
	:	
Respondents	:	
	:	
	:	

**JUDGMENT IN A CIVIL CASE**

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

☒ **Decision by Court.** This action was decided by the Court without a trial or hearing.

IT IS ORDERED AND ADJUDGED That pursuant to the August 3, 2010 Order, the Court ADOPTED the Report and Recommendation and GRANTED the motion to dismiss the petition as a successive petition or, in the alternative, transfer, and under the procedures adopted in *In re Jonathan Sims*, 111 F.3d 45, 47 (6th Cir. 1997) this Court hereby TRANSFERS this case to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. §1631.

Date: **August 3, 2010**

**James Bonini, Clerk**

s/Betty L. Clark

Betty L. Clark/Deputy Clerk